

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 3, 2003
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:13 p.m. The meeting was adjourned by Mayor Murphy at 3:37 p.m. to meet in Closed Session at 9:00 a.m. on Tuesday, February 4, 2003, in the twelfth floor conference room to discuss existing and anticipated litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-Excused by R-297671 (Attended Coastal Commission of Tax Policy)
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Fyre-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-not present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Homer Allen of the Community Full Gospel Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lewis.

FILE LOCATION: MINUTES

ITEM-30: Alice Bourke Hayes Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-757) REFERRED TO CITY MANAGER TO RESCHEDULE
THE ITEM TO ALLOW MS. HAYES TO BE PRESENT

Commending Alice Bourke Hayes for her outstanding efforts in the field of higher education and for all of her work within the City of San Diego;

Recognizing the accomplishments of Alice Bourke Hayes for improving the lives of the people of San Diego, and proclaiming February 3, 2003 to be "Alice Bourke Hayes Day" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:15 p.m.)

ITEM-100: Two actions related to Second Amendment to Consultant Agreement - North Chollas Community Park Phase I Improvements.

(Chollas Heights Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-777)

ADOPTED AS RESOLUTION R-297605

Authorizing the City Manager to execute a Second Amendment to the Agreement with Estrada Land Planning + EDAW Partnership, for professional services required to design and construct North Chollas Community Park Phase 1 Improvements;

Authorizing the expenditure of an amount not to exceed \$50,000 from CIP-29-667.0, North Chollas Community Park Phase 1 Improvements, State Park Bond Funds, Fund No. 38118, for the purpose of providing funds for the Project.

Subitem-B: (R-2003-778)

ADOPTED AS RESOLUTION R-297606

Stating for the record that the information contained in the Final Mitigated Negative Declaration MND-98-0150, including any comments received during the public review process, has been previously reviewed and considered by this Council, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the Second Amendment to Agreement with Estrada + EDAW Partnership;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

CITY MANAGER SUPPORTING INFORMATION:

On July 7, 2000, the City entered into an agreement with Estrada + EDAW Partnership for consultant services necessary for the design and construction of the North Chollas Community Park Phase 1A and 1B Improvements. Construction of Phase 1A Improvements has been completed. On July 10, 2001, the City entered into the first Amendment to Agreement with Estrada + EDAW Partnership to provide consultant services for the design of Phase Two. During the permitting process for Phase 1B, additional studies and mitigation reports have been required. This Second Amendment to Agreement will provide consultant services needed for studies and reports required by the regulatory agencies, to complete Phase 1B permit requirements from the Department of Fish and Game, Army Corps of Engineers and California Regional Water Quality Control Board.

FISCAL IMPACT:

The consultant's fee for the original agreement is \$218,860. An additional \$50,000 is necessary to provide for additional services requested by the City. Funds for this purpose, \$50,000, are available in CIP-29-667.0, North Chollas Community Park Phase 1 Improvements, State Park Bond Funds, Fund No. 38118.

Loveland/Belock/AO

Aud. Cert. 2300637.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 2:22 p.m. - 2:25 p.m.)

MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Reconfiguration of La Jolla Shores, Torrey Pines, and Ardath Road Intersection -
Phase 3 Funding.

(La Jolla Shores Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-932) ADOPTED AS RESOLUTION R-297607

Authorizing the City Manager to execute Phase 3 of the phase funded contract with West Coast General Corporation/T.C. Construction, Inc., for the construction of the Reconfiguration of La Jolla Shores Drive, Torrey Pines Road and Ardath Road and Water & Sewer Improvements in an amount not to exceed \$884,640 for Phase 3 and \$5,722,525 for all phases of work;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$826,871 in Fund No. 30306 from CIP-52-330.0, Sorrento Valley Road - Industrial Court to Carmel Valley Road, to CIP-52-583.0, Reconfiguration of La Jolla Shores Drive, Torrey Pines Road, and Ardath Road;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$826,871, for the purpose of executing Phase 3 of the phase funded contract with West Coast General Corporation/T.C. Construction, Inc., for the construction of the Reconfiguration of La Jolla Shores Dr., Torrey Pines Road and Ardath Road and Water & Sewer Improvements, provided that the City Auditor first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to reallocate the funding sources for TransNet Funds between TransNet Cash and Commercial Paper Funded projects as may be appropriate to maximize the use of TransNet Cash and minimize the use of Commercial Paper funding for CIP-52-583.0;

Authorizing the City Auditor and Comptroller, upon advice from administering departments, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Ardath Road, Torrey Pines Road, and La Jolla Shores Drive are primary routes for vehicular access to the La Jolla Community. The confluence of Ardath Road, North Torrey Pines Road, La Jolla Shores Road and Hidden Valley Road experiences traffic volumes much greater than existing capacity, handling 70,000 vehicles per day, and is one of the busiest intersections in the City of San Diego.

On July 22, 2002, the City Council accepted the low bid from West Coast General/T.C. Construction, a joint venture, and authorized the City Manager to execute a phased funded contract for the Reconfiguration of La Jolla Shores Drive, Torrey Pines Road, Ardath Road, Hidden Valley Road and Ardath Access Road. This action also included the funding approval necessary for the first two phases of the construction contract as well as a portion of the funding needed for the final remaining (third) phase. The construction work on the first two phases of the project started in September of 2002 and is progressing in accordance with the established schedule.

It was originally anticipated that remaining funds needed for the third (final) phase of the contract could be identified as part of the Fiscal Year 2004 budget process or portions of the final phase of the work could be removed. However, due to the complexity of the on-going construction and criticality of this project to the transportation system, it has become necessary to identify interim funding from another CIP project, prior to the next fiscal year. This action would address these needs and ensure that construction continues without interruption. The transfer of this interim funding could be replaced as part of a future year CIP budget process.

FISCAL IMPACT:

The total cost of this project is \$8,891,965, of which \$8,065,094 has been previously authorized. Funding for the remaining phase of the project in the amount of \$826,871 is available from TransNet Fund 30306, CIP-52-330.0, Sorrento Valley Road - Industrial Court to Carmel Valley Road. In an effort to defer the issuance of commercial paper, TransNet cash in the amount of \$826,871 will be identified through our cash management process.

Loveland/Belock/PB

FILE LOCATION: CONT - West Coast General Corporation/T.C.
Construction, Inc.

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:18 p.m.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: Proposed 2003 State Legislative Program.

(See memorandum from Andrew Poat dated 12/2/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-883) ADOPTED AS RESOLUTION R-297608

Approving the Proposed 2003 State Legislative Program.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 12/4/2002, RULES voted 5 to 0 to approve the State Legislative Priorities set forth in the memorandum from the Governmental Relations Department dated December 2, 2002.
(Councilmembers Peters, Maienschein, Madaffer, Inzunza and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 3:32 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION APPROVING THE STATE LEGISLATIVE PROGRAM FOR 2003, WITH THE PRIMARY FOCUS THIS YEAR BEING THE STATE FISCAL REFORM. ACCEPT MAYOR MURPHY'S REQUEST TO HAVE THE "SPOT" BILL IN PLACE FOR THE REGIONAL ENERGY AUTHORITY PROPOSAL. ACCEPT COUNCIL MEMBER LEWIS' REQUEST TO ADD RESIDENTIAL CARE FACILITIES WITH SIX OR LESS PATIENTS THAT DO NOT REQUIRE A CONDITIONAL USE PERMIT TO THE LIST. THE INTERGOVERNMENTAL RELATIONS DEPARTMENT IS REQUESTED TO GO BACK TO THE RULES COMMITTEE WITH A PRIORITIZED LIST WITH ONE CATEGORY LISTING IN ORDER OF IMPORTANCE THE TOP THREE TO FIVE PROPOSALS, AND A DIFFERENT CATEGORY FOR EVERYTHING ELSE ON THE LIST. Second by Lewis. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: "Creating a Culture of Integrity" Grant from the Office of Community Oriented Policing Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-909) ADOPTED AS RESOLUTION R-297609

Authorizing the Chief of Police to apply for, accept, manage and expend funds for “Creating a Culture of Integrity” grant application; such authorization shall include all aspects of grant acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to the program;

Authorizing the Chief of Police to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the U.S. Department of Justice;

Authorizing the City to provide the ongoing costs of operation relating to this program, including any amendments under the Program and funding terms and conditions of the U.S. Department of Justice;

Declaring that grant funds and/or resources received shall not be used to supplant expenditures controlled by this body, and that personnel positions funded are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Police Department wishes to apply for, accept and expend a grant for \$125,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services, under the “Creating a Culture of Integrity” initiative, Early Intervention Systems priority area. This is a one-year project. However, it may potentially be renewed and augmented for subsequent period(s) of time.

The proposed program is a databased system which stores, weights and sorts various predictive officer variables. Supervisors will determine and weight the variables, selected officer behaviors such as tardiness, citizen complaints, vehicle crashes, etc., in an attempt to identify the potential for more serious problems in specific officers. As potentially problematic officers are identified, supervisors will implement and document a course of intervention, prevention, remediation and follow-up.

The in-house evaluation will include an assessment of the databases incorporated into the system; supervisory use of and satisfaction with the system; follow-up of identified officers; and management review of the effects of the system.

Grant funds will be used for salary and benefits of one Information Systems Analyst and intern hours to conduct the project; supplies and expenses; and necessary travel. It will also fund eight computers which, in addition to being used by project staff, will be used to connect several essential units to the system.

FISCAL IMPACT:

Ongoing network and connection of the PCs will cost approximately \$11,000 per year, which will be met from the Police Department's budget. There is no requirement for matching funds, and no requirement to continue grant funded activities or expenditures after grant funds are exhausted or terminated.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:18 p.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-not present, Zucchett-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-104: Appointments and Reappointments to the Tree Advisory Board.

(See memorandum from Mayor Murphy dated 1/21/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-923) ADOPTED AS RESOLUTION R-297610

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Tree Advisory Board for terms ending as indicated, and representing categories as indicated:

<u>NAMES</u>	<u>TERM ENDING</u>	<u>CATEGORY</u>
Tershia D'Elgin (Reappointment)	December 31, 2005	District 8
Jesse L. Durfee (Replacing William Tall)	December 31, 2005	Horticulturist/Nursery
Mary J. Johnson (Replacing Martin Schmidt, who resigned)	December 31, 2004	District 6
Michael L. Singleton (Reappointment)	December 31, 2005	District 2
Victoria Touchstone (Reappointment)	December 31, 2005	District 5

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. - 2:22 p.m.)

MOTION BY ZUCCHET TO ADOPT THE RESOLUTION CONFIRMING THE APPOINTMENTS. Second by Atkins. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Christine Marie Haddad Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-931) ADOPTED AS RESOLUTION R-297611

Commending Christine Marie Haddad for her 30-year commitment to education and community;

Proclaiming January 29, 2003 to be "Christine Marie Haddad Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:18 p.m.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Ann Calvert Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-934) ADOPTED AS RESOLUTION R-297612

Commending Ann Calvert for her many outstanding contributions and service to the City of San Diego;

Proclaiming January 18, 2003 to be "Ann Calvert Day" in San Diego.

SUPPORTING INFORMATION:

Ann Calvert is an active and dedicated member of the Rancho Bernardo Community. She is a faithful member of the Rancho Bernardo Presbyterian Church and serves as an elder. She has previously been the president of the RB Chamber of Commerce and a member of the RB Rotary and the Soroptomist International. Ann was an active and vocal member of the Military Wives Association and the first woman to receive two Navy Relief Society Meritorious Service Awards.

She was named Woman of the Year for the 78th District of the California State Legislature in 1997. She is celebrating her 60th Birthday.

Maienschein

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:18 p.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Two actions related to Main Library Proposition 14 Grant Application for Round 2 Grant Cycle.

(See City Manager Report CMR-03-013. Centre City-East Village Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-910) ADOPTED AS RESOLUTION R-297613

Authorizing the City Manager to apply for the Round Two California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 Funds grant administered by the California State Library, Office of Library Construction.

Subitem-B: (R-2003-911 Corr.Copy) ADOPTED AS RESOLUTION R-297614

Certifying that the information contained in Mitigated Negative Declaration LDR-41-0980 including any comments received during the public review process, has been reviewed and considered by Council (Resolution R-296575, adopted on May 28, 2002) and it is determined that no substantial changes or new information of

~~substantial importance within the meaning of CEQA Guidelines section 15162 would warrant any additional environmental review in connection with approval of the San Diego Main Library Proposition 14 Round Two Grant Application has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report has been reviewed and considered by Council in connection with the approval of the San Diego Main Library proposition 14 Round Two Grant application;~~

~~Approving the Mitigated Negative Declaration;
Adopting the Mitigation Monitoring and Reporting Program;~~

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 2:26 p.m. - 2:46 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Amendment to Pacific Highlands Ranch (Subarea III) Community Park Site Purchase Agreement.

(Pacific Highlands Ranch - Subarea III. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-75) INTRODUCED, TO BE ADOPTED TUESDAY,
FEBRUARY 18, 2003

Introduction of an ordinance authorizing the City Manager to execute a First Amendment to Pacific Highlands Ranch - Subarea III NCFUA Community Park Site Purchase Agreement with Pardee Homes, contingent upon evidence, satisfactory to the City Manager and City Attorney, that the District has purchased the Alternative Park Site and transferred fee title of same to Pardee Homes;

Declaring that in the event the City Manager and the City Attorney do not receive satisfactory evidence that the District has purchase the Alternative Park Site and transferred fee title of same to Pardee Homes within 180 days of the effective date of this ordinance, this ordinance shall become void.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The City Manager is requesting that the City Council approve an amendment to the Pacific Highlands Ranch Community Park Site Purchase Agreement. The City Council approved the original Community Park Site Purchase Agreement on September 8, 1998 by Ordinance No. 18579.

On July 20, 1999, the City Council adopted the Pacific Highlands Ranch Subarea III Plan. The Pacific Highlands Ranch Subarea encompasses approximately 2,652 acres in the central portion of the North City Future Urbanizing Area.

The Pacific Highlands Ranch Subarea Plan includes a senior high school and a community park. Pursuant to the Subarea Plan, the San Dieguito Union High School District ("District") has entered into a School Mitigation Agreement with Pardee Homes. The agreement commits Pardee Homes to sell the high school site to the District and commits the District to purchase the high school site according to the terms of the agreement. Pardee Homes and the City have entered into a similar purchase agreement for the community park site.

The property to be acquired by the District for the use of a new high school is identified in the Pacific Highlands Ranch Subarea Plan as a high school with a portion of the area designated for a community park. According to the District's plans for the high school site, the campus will encompass the area designated for a 13-acre community park site. Based on this design of the high school campus, an alternative community park site is proposed through this amendment.

The proposed alternative community park site is immediately east of the current park site and will remain adjacent to both the high school and future village.

To accommodate the alternative community park site, the City and Pardee Homes propose this amendment to the existing Community Park Site Purchase Agreement to identify the alternative site, known as the Gonsalves Property. This alternative community park location will be of equal size and will allow the City and Pardee to continue to implement the Subarea Plan objectives of a balanced community and to allow the high school to be located as proposed.

The implementation of this amendment includes the District purchasing the Gonsalves Property, and at the same time, the District would transfer the Gonsalves Property to Pardee. The amendment allows the City and Pardee Homes to relocate the community park to the Gonsalves Property when it is purchased and transferred to Pardee by the District.

According to the Community Park Site Purchase Agreement entered into by the City and Pardee, the Community Park is planned as a 20-acre stand alone park or alternatively, as a 13-acre park if located adjacent to a junior high school.

More specifically, if a junior high school is built and located adjacent to the park, the park will be developed as a 13-acre community park. If a junior high school is not built adjacent to the park, the park will be developed as a stand alone 20-acre community park. The additional 7-acres needed for the 20-acre community park option will be reserved on Pardee's property that is located adjacent to the 13-acre park site.

The City Manager recommends that the City Council authorize execution of this first amendment to ensure the timely provision of the high school and community park site in the plan area.

Ewell/Goldberg

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:26 p.m.)

MOTION BY MADAFFER TO INTRODUCE. Second by Inzunza. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

None.

Morris Kight, as requested by Council Member Atkins;
Jerry Dennis, as requested by Council Member Maienschein; and
The Crew of the Columbia Space Shuttle, as requested by Mayor Murphy.

COUNCIL ACTION: (Time duration: 3:32 p.m. - 3:37 p.m.)